

§ 2.184

applied are not specified, the Office will issue a notice requiring either the submission of additional fee(s) or an indication of the class(es) to which the original fee(s) should be applied. Additional fee(s) may be submitted if the requirements of § 2.185 are met. If the required fee(s) are not submitted and the class(es) to which the original fee(s) should be applied are not specified, the Office will presume that the fee(s) cover the classes in ascending order, beginning with the lowest numbered class.

[64 FR 48926, Sept. 8, 1999, as amended at 67 FR 79523, Dec. 30, 2002]

§ 2.184 Refusal of renewal.

(a) If the renewal application is not acceptable, the Office will issue a notice stating the reason(s) for refusal.

(b) A response to the refusal of renewal must be filed within six months of the mailing date of the Office action, or before the expiration date of the registration, whichever is later, or the registration will expire.

(c) If the renewal application is not filed within the time periods set forth in section 9(a) of the Act, the registration will expire.

[64 FR 48926, Sept. 8, 1999]

§ 2.185 Correcting deficiencies in renewal application.

(a) If the renewal application is filed within the time periods set forth in section 9(a) of the Act, deficiencies may be corrected, as follows:

(1) *Correcting deficiencies in renewal applications filed within one year before the expiration date of the registration.* If the renewal application is filed within one year before the expiration date of the registration, deficiencies may be corrected before the expiration date of the registration without paying a deficiency surcharge. Deficiencies may be corrected after the expiration date of the registration with payment of the deficiency surcharge required by section 9(a) of the Act and § 2.6.

(2) *Correcting deficiencies in renewal applications filed during the grace period.* If the renewal application is filed during the six-month grace period, deficiencies may be corrected before the expiration of the grace period without

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paying a deficiency surcharge. Deficiencies may be corrected after the expiration of the grace period with payment of the deficiency surcharge required by section 9(a) of the Act and § 2.6.

(b) If the renewal application is not filed within the time periods set forth in section 9(a) of the Act, the registration will expire. This deficiency cannot be cured.

[64 FR 48926, Sept. 8, 1999]

§ 2.186 Petition to Director to review refusal of renewal.

(a) A response to the examiner's initial refusal of the renewal application is required before filing a petition to the Director, unless the examiner directs otherwise. See § 2.184(b) for the deadline for responding to an examiner's Office action.

(b) If the examiner maintains the refusal of the renewal application, a petition to the Director to review the refusal may be filed. The petition must be filed within six months of the mailing date of the Office action maintaining the refusal, or the renewal application will be abandoned and the registration will expire.

(c) A decision by the Director is necessary before filing an appeal or commencing a civil action in any court.

[64 FR 48926, Sept. 8, 1999]

§ 2.187 [Reserved]

PART 3—ASSIGNMENT, RECORDING AND RIGHTS OF ASSIGNEE

EDITORIAL NOTE: Part 3 pertaining to both patents and trademarks is placed in the grouping pertaining to patents regulations. It appears on page 232 of this volume.

PART 4—COMPLAINTS REGARDING INVENTION PROMOTERS

EDITORIAL NOTE: Part 4 is placed in the separate grouping of parts pertaining to patents regulations. It appears on page 238 of this volume.